

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Civil No. 13-6122-CV-SJ-DGK
)
\$21,713.35 IN UNITED STATES)
CURRENCY SEIZED FROM CITIZENS)
BANK AND TRUST ACCOUNT)
NUMBER 815225,)
)
\$817.87 IN UNITED STATES)
CURRENCY SEIZED FROM CITIZENS)
BANK AND TRUST ACCOUNT)
NUMBER 4006801,)
)
\$3,688.17 IN UNITED STATES)
CURRENCY SEIZED FROM)
CHILLICOTHE STATE BANK)
ACCOUNT NUMBER 639972,)
)
\$198,654.70 IN UNITED STATES)
CURRENCY SEIZED FROM)
CHILLICOTHE STATE BANK)
ACCOUNT NUMBER 28394,)
)
\$3,362.96 IN UNITED STATES)
CURRENCY SEIZED FROM MISSOURI)
FUNERAL TRUST ACCOUNT 19349,)
)
\$3,362.96 IN UNITED STATES)
CURRENCY SEIZED FROM MISSOURI)
FUNERAL TRUST ACCOUNT 19350,)
)
WOMAN'S 14 KARAT DIAMOND RING)
6.5 DWT/YG SIZE 7,)
)
WOMAN'S 14 KARAT DIAMOND RING)
4.9 DWT/YG SIZE 7.5,)
)
2007 FORD TAURUS)
VIN: 1FAFP56U97A213858,)

2007 MAZDA CX-7)
VIN: JM3ER293670110055,)
)
2011 NISSAN VERSA)
VIN: 3N1BC1CPXBL366930,)
)
2010 NISSAN 370Z)
VIN: JN1AZ4FH8AM302941,)
)
2007 NISSAN ALTIMA)
VIN: 1N4AL21E67N405607,)
)
2011 FORD F150)
VIN: 1FTFX1EF1BFA73130,)
)
2011 YAMAHA ATV YFM 7FGPAGR)
VIN: JY4AM13Y3BC040072,)
)
2011 YAMAHA ATV YFM 45FGPAG)
VIN: 5Y4AJ45Y0BA001922,)
)
2011 YAMAHA UTV YXR 7FSPA)
VIN: 5Y4AM21Y6BA007077,)
)
2010 FORD F150)
VIN: 1FTFW1EV6AFB28924,)
)
2010 FORD ESCAPE)
VIN: 1FMCU9EG1AKB56657,)
)
2012 FORD EXPLORER)
VIN: 1FMHK8F85CGA64325,)
)
2012 NISSAN ROGUE)
VIN: JN8AS5MV3CW379440,)
)
REAL PROPERTY LOCATED AT LOT 20)
OF GRAHAM'S MILL FINAL PLAT, A)
SUBDIVISION IN SECTION 2,)
TOWNSHIP 57, RANGE 24 AND A RE-)
SUBDIVISION OF LOTS 13, 14, AND 15)
WEST POINT ADDITION,)
CHILLICOTHE, LIVINGSTON)
COUNTY, MISSOURI,)
)

REAL PROPERTY LOCATED AT LOT 22)
OF GRAHAM'S MILL FINAL PLAT, A)
SUBDIVISION IN SECTION 2,)
TOWNSHIP 57, RANGE 24 AND A RE-)
SUBDIVISION OF LOTS 13, 14, AND 15)
WEST POINT ADDITION,)
CHILLICOTHE, LIVINGSTON)
COUNTY, MISSOURI,)
Defendants.)

**ORDER FOR RETURN OF PROPERTY AND DEFAULT JUDGMENT OF
FORFEITURE FOR CERTAIN DEFENDANT PROPERTIES**

On October 24, 2103, a verified Complaint for Forfeiture In Rem was filed on behalf of the plaintiff, United States of America, against the above-listed defendant properties. The complaint alleges that the defendant properties were involved in a transaction or attempted transaction in violation of sections 1956, 1957, and 1960 of Title 18, United States Code, or is property traceable to such property. The complaint also alleges that the defendant properties constitute or were derived from proceeds traceable to an offense constituting a “specified unlawful activity” or a conspiracy to commit such offense, including wire fraud in violation of 18 U.S.C. § 1343.

Process was fully issued in this action and returned according to law. Pursuant to a warrant for arrest of property issued by this Court, the United States Marshal for the Western District of Missouri arrested the above-listed defendant personal properties on November 7, 2013.

The following known potential claimants were served the Notice of Complaint and Complaint for Forfeiture In Rem and have acknowledged service thereof - -

Robert Burns

Christy Burns

Donna Preszler

Terry Preszler

Kyle Preszler

Heather Bradley

NBH Bank

Ford Motor Credit

Notice was also sent to April Foster and Kathie Constable by Certified Mail, Return Receipt and by regular United States Mail. The Certified Mail, Return Receipt was returned "unclaimed."

The notice sent by regular mail has not been returned.

Any and all other potential claimants have been notified of the action and of their rights to assert a claim for the defendant properties by publication of a public notice on an official government internet site (www.forfeiture.gov) for at least 30 days, beginning on November 12, 2013, and ending on December 11, 2013.

NBH Bank filed a claim against the defendant 2007 Nissan Altima, VIN: 1N4AL21E67N405607. The United States and claimant NBH Bank entered into a Settlement Agreement, which is hereby APPROVED as submitted. Pursuant to the Settlement Agreement, the United States will return the defendant 2007 Nissan Altima to NBH Bank.

The United States is not seeking a judgment of forfeiture for the following defendant properties at this time:

2010 Ford Escape, VIN: 1FMCU9EG1AKB56657

2011 Ford F-150, VIN: 1FTFX1EF1BFA73130

No other claims for the defendant properties have been filed and the time within which such claims must have been filed has expired.

Now therefore, on motion of the plaintiff United States of America for return of property and for a default judgment of forfeiture, it is hereby,

ORDERED - -

(1) that the settlement between the United States and NBH Bank is approved, and the defendant 2007 Nissan Altima, VIN: 1N4AL21E67N405607 shall be returned to claimant NBH bank;

(2) that plaintiff's motion for a default judgment of forfeiture as to certain properties is granted, and the following defendant properties are hereby forfeited to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (a)(1)(C) to be disposed of according to law:

\$21,713.35 in United States currency was seized from Citizens Bank and Trust account number 815225

\$817.87 in United States currency was seized from Citizens Bank and Trust, account number 4006801

\$3,688.17 in United States currency was seized from Chillicothe State Bank account number 639972

\$198,654.70 in United States currency was seized from Chillicothe State Bank account number 28394

\$3,362.96 in United States currency was seized from Missouri Funeral Trust account number 19349

\$3,362.96 in United States currency was seized from Missouri Funeral Trust account number 19350

14 karat diamond ring, 6.5 DWT/YG size 7

14 karat diamond ring, 4.9 DWT/YG size 7.5

2007 Ford Taurus, VIN: 1FAFP56U97A213858

2007 Mazda CX-7, VIN: JM3ER293670110055

2011 Nissan Versa, VIN: 3N1BC1CPXBL366930

2010 Nissan 370Z, VIN: JN1AZ4FH8AM302941

2011 Yamaha ATV YFM 7FGPAGR, VIN: JY4AM13Y3BC040072

2011 Yamaha ATV YFM 45FGPAG, VIN: 5Y4AJ45Y0BA001922

2011 Yamaha UTV YXR 7FSPA, VIN: 5Y4AM21Y6BA007077

2010 Ford F150, VIN: 1FTFW1EV6AFB28924

2012 Ford Explorer, VIN: 1FMHK8F85CGA64325

2012 Nissan Rogue, VIN: JN8AS5MV3CW379440

Real property located at Lot 20 of Graham's Mill Final Plat, A subdivision in Section 2, Township 57, Range 24 and a Re-Subdivision of Lots 13, 14, and 15 West Point Addition, Chillicothe, Livingston County, Missouri, with all its buildings, appurtenances, and improvements, thereon, has not been seized.

Real property located at Lot 22 of Graham's Mill Final Plat, a Subdivision in Section 2, Township 57, Range 24 and a Re-subdivision of Lots 13, 14, and 15 West Point Addition, Chillicothe, Livingston County, Missouri, with all its buildings, appurtenances, and improvements thereon, has not been seized.

- (3) that all other persons claiming any right, title, or interest in or to the defendant properties are held in default;
- (4) that all claims and interest in the defendant properties, except as provided herein, are forever foreclosed and barred;
- (5) that the Clerk of the Court shall enter a judgment consistent with this order when all property/claims in the case have been fully and finally resolved .

SO ORDERED, this 27th day of January, 2014.

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT